

REMARKS

Claims 1-20, 23-28 and 30 to 91 are pending. Claims 1, 9, 10, 11, 19, 20, 25, 27, 28, 31, 38, 39, 41, 43, 44, 45, 59, 61, 68, 69, 71, 73, 74, 75, and 89 are amended. New dependent claims 92 to 95 have been added. Support for the amendments and new claims can be found throughout the specification.

Summary of Examiner Interview

Applicants and the undersigned thank Examiner Champagne for the courtesies extended to the undersigned during the interview of April 5, 2006. Applicant's representative and Examiner Champagne discussed a sample amended claim substantially similar to amended claim 1 set forth herein. The undersigned pointed out that the outstanding rejections under 35 USC 112 were cured based on the amendments associated with the hierarchical navigation search interface. Further, the undersigned pointed out that Hertz does not disclose the limitations of the amended claim including the "hierarchical navigation search interface." Examiner Champagne stated in the Interview Summary form that the amendment overcomes the outstanding rejections under 35 USC 112 and that the "amendment appears to also overcome the art rejection of record (over Herz et al.), but that cannot be ascertained until the reference is thoroughly examined in view of the filed claim."

Rejection under 35 USC 112, first paragraph

Claims 1-20, 23-28 and 30-91 stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description and enablement requirements. Applicants have

amended these claims to recite “layers” instead of “screens.” Because the specification describes “layers” sufficiently and provides an enabling disclosure as to the “layers” of the “hierarchical navigation search interface,” Applicants respectfully request that this rejection be reconsidered and withdrawn.

Claims 59 and 89 are rejected under 35 USC 112, second paragraph, as being indefinite. As suggested by Examiner Champagne, Applicants have amended the claims and as such, they now overcome the rejections.

Rejection under 35 USC 102(e)

Claims 1-9, 11-19 and 23-28 stand rejected under 35 USC 102(e) as being unpatentable over Herz.

Independent claims 1 and 11, as amended, are now patentable over Herz. The Examiner agreed that Herz et al. does not teach a hierarchical navigation search interface. Notwithstanding the failure of Herz et al. to show this limitation, the Examiner still rejected the claims because he believed that “hierarchical navigation search interface” was nonfunctional descriptive matter and thus was not given patentable weight. Applicants have amended claims 1 and 11 to provide function to the interface and relate it to the display. Herz fails to disclose a system or method for selecting content for display using a hierarchical navigation search interface based on the ranking of bids. Because Herz fails to disclose these elements of the claims, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Because Hertz et al. fails to disclose the elements of independent claims 1 and 11, claims 2-9, 12-19 and 23-28 are also in condition for allowance, since they are dependent on the aforementioned independent claims.

Rejections under 35 USC 103(a)

Claims 10, 20 and 30-91 are rejected under 35 USC 103(a) as being unpatentable over Herz. As discussed above, the claims, as amended, are patentable over Herz in combination with interactive television as it existed in the prior art. None of the references teach a hierarchical navigation search interface. Thus, Applicants respectfully request that this rejection be reconsidered and withdrawn.

New claims 92 to 95 are dependent on the independent claims discussed above. Because these claims are dependent on claims which are now allowable, as discussed above, applicants request allowance of these new claims.

Accordingly, the application is now in condition for allowance and a notice to that effect is respectfully requested.

Any amendments to the claims not specifically argued to overcome a rejection based upon the prior art have been made for clarity, a purpose unrelated to patentability.

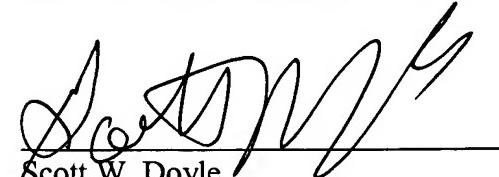
If a telephone conference would be of value, the Examiner is requested to call Applicants' undersigned attorney at the number listed below.

In the event the U.S. Patent and Trademark Office determines that an extension of time and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and to charge/credit

any other fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No.
15771.0008

Respectfully submitted,

STEPTOE & JOHNSON



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